THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15359 OF 2007

Dated 24th July 2007

Between:

Mohd.Shaffiuddin S/o.Sharfuddin

…Petitioner

and

The A.P.State Wakf Board, Haj House Building, Nampally, Hyderabad & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15359 OF 2007

O R D E R:

The petitioner is a Musalli of a Wakf, known as Masjid-e-Khaja Gulshan, situated at Mehdipatnam Cross Roads, Hyderabad. One committee was managing the wakf, for the past about 20 years. Its term was to expire in June 2007.

The petitioner and certain others submitted a representation, dated 5.6.2007, alleging that the wakf was being mismanaged by the existing committee, and they pointed out certain irregularities. The Wakf Board called for a report from the Inspector-Auditor. The report was said to have been submitted on 29.6.2007. On the same day, a Managing Committee, comprising of respondents 2 to 12, was constituted. The petitioner challenges the same.

Heard the learned counsel for the petitioner and learned Standing Counsel for the 1st respondent.

In the representation made by the petitioner and certain others, allegations were made against the then Managing Committee. They did not make any request for appointing them as members of the Managing Committee. While the action on the representation of the petitioner was in contemplation,
respondents 2 to 12 submitted a representation on 25.6.2007, with a prayer to appoint them as Managing Committee. They have also stated certain reasons, in support of their request.

It is not doubt true that the time, at which the report of the Inspector-Auditor was received, and respondent 2 to 12 were appointed as committee, gives an impression that the exercise lacked transparency. But, if the matter is seen from the point of view of the representation made by respondents 2 to 12, a different thing would emerge, altogether. The appointment of the new committee, is the result of the acceptance of the allegations made by the petitioner, against the then committee, and acceding to the request of respondent 2 to 12. Therefore, this court does not find any basis to interfere with the impugned order.

The writ petition is, accordingly, dismissed. It is, however, made clear that in case, the petitioner had any grievance about the functioning of the committee, constituted through the impugned proceedings, it shall be open to him to make a representation to the 1st respondent, or to institute proceedings in the Wakf Tribunal. There shall be no order as to costs.

24th July 2007

PAN